

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DLP Funding, LLC

Plaintiff,

Civil Action No.:
25-cv-02903-AMD-RML

-against-

Heyburn LLC et al.,

Defendants.

Affidavit in Support of Clerk's
Certificate of Default
FRCP 55(a)

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JACOB Z. WEINSTEIN, an attorney duly licensed to practice law before this Court, hereby affirms, under penalty of perjury, the following:

1. I am the attorney for DLP Funding, LLC, the Plaintiff in this action.
2. I am fully familiar with the factual circumstances surrounding this matter.
3. The facts set forth herein are known to me to be true, except as stated to be upon information and belief, which statements are true to the best of my knowledge.
4. I submit this Affidavit in support of Plaintiff's request for a Certificate of Default pursuant to Fed. R. Civ. P. 55(a) against all Defendants HEYBURN LLC, ARENSEN COURT, LLC, 25 SANDY BLVD, LLC, OXFORD SQUARE, LLC, KUPIECO LLC, BUNGALOWS @ 142, LLC, OCKLEY GREEN LLC, BANKLAND, LLC, BROOKLYN YARD, LLC, BLANDENA LLC, SUMNER BROWNSTONES, BRIDGETON, LLC, WES MOORE, LLC, 35 VERMONT, LLC, IVANHOE PARTNERS, LLC, EAST POWELL, LLC, 20TH & DIVISION PARTNERS LLC, 42ND AVE, LLC, HUMBOLDT, LLC, LITTLE TACOMA CONSTRUCTION LLC, PERRIN CONSTRUCTION, LLC, 2ND & 3RD AVE. LLC, THE SHOPS AT BROOKLYN YARD, LLC, OREGON OPEN

SPACE CONSERVANCY, U4IA LLC, HALL LANE LLC, RACHIS LLC, PARALLAX LLC, OFFICE ON MLK, LLC, PERRIN LLC, FIELD CREST, LLC, CALIFORNIA STREET PARTNERS LLC, P.M.P. L.L.C., FAIROAKS OREGON, LLC, CORINTHIAN BUILDING, LLC, ZYGOTE L.L.C., TRILLIUM SPRINGS L.L.C., 13 GERTZ LLC, EASTMAN PKWY, LLC, 904 MAIN LLC, FRANCIS STREET INVESTORS LLC, and PETER MICHAEL PERRIN (hereinafter collectively referred to as "Defendants").

5. This action was initially commenced in New York State Supreme Court, Kings County, on April 28, 2025 via the filing of a Summons and Verified Complaint, with an accompanying Exhibit.
6. Attached as **Exhibit 1** hereto are true and accurate copies of the Summons and Verified Complaint, with an accompanying Exhibit filed on April 28, 2025 in New York State Supreme Court, Kings County.
7. On April 28, 2025, Defendants were served via e-mail, as permitted within the agreement between the Defendants and Plaintiff.
8. A true and accurate copy of the Affirmation of Service is attached hereto as **Exhibit 2**.
9. Defendants filed a Notice of Removal in New York State Supreme Court, Kings County on May 27, 2025.
10. Attached as **Exhibit 3** hereto is a true and accurate copy of the Notice of Removal.
11. Pursuant to Fed. R. Civ. P. 81(c)(2) the time to Answer or file a Pre-Answer Motion has expired.
12. To date, Defendants have not filed an Answer or Pre-Answer Motion.
13. Plaintiff has not received an Answer or Pre- Answer Motion from Defendants.
14. No previous application for said relief has been made.

WHEREFORE, Plaintiff respectfully requests the Clerk issue a Certificate of Default, pursuant to Fed. R. Civ. P. 55(a).

Dated: New York, NY
June 27, 2025

THE LAW OFFICE OF
JACOB Z. WEINSTEIN, PLLC

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